IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 30TH JANUARY 2007 / 10TH MAGHA 1928

WP(C).No. 14683 of 2006(W)

PETITIONER:

THOMAS C.S., H.S.S.T. (ENG.)
ST.SEBASTIAN'S H.E.S.VELLIMANAM,
P.O. VELIMANAM, KANNUR DISTRICT.

BY ADV. SRI.M.VIJAYAKUMAR
SMT.K.A.SANJEETHA

RESPONDENTS:
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1. **THE REGIONAL DEPUTY DIRECTOR OF HIGHER SECONDARY EDUCATION, KOZHIKODE REGION, KOZHIKODE.**

2. **THE CORPORATE MANAGER, THE CORPORATE EDUCATIONAL AGENCY OF SCHOOLS, ARCH DIOCESE OF THALASSERY, SANDESHA BHAVAN, P.B.NO.70, THALASSERY-1.**

3. **V.C. AUGUSTHY, (HEADMASTER_DESIGNATED) PRINCIPAL, ST.SEBASTIANS HIGHER SECONDARY SCHOOL, VELIMANAM, P.O. VELIMANAM, KANNUR-670 704.**

4. **O.J. MATHEW, (HEADMASTER-DESIGNATED) PRINCIPAL, ST.MARY'S H.S.S. EDOOR, P.P.PAYA-670 704.**

BY ADV. SRI.SAJI VARGHESE
SMT.MARIAM MATHAI
SRI.C.P.PEETHAMBARAN
BY GOVERNMENT PLEADER SRI.A.J. VARGHESE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/01/2007 ALONG WITH WPC NO. 1088 OF 2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF G.O.MS.NO.338/2003/G.EDN. DTD. 16/12/03.**

EXT.P2; **COPY OF G.O.(MS) NO.43/2005/G.EDN.DTD.11/02/2005.**

EXT.P3: **COPY OF G.O.(MS)NO.11/2006/G.EDN. DTD. 6/01/2006.**

EXT.P4: **COPY OF REPRESENTATION BEFORE THE 2ND RESPONDENT DTD. 15/05/2003.**

EXT.P5: **COPY OF REPRESENTATION BEFORE 1ST RESPONDENT DTD. 17/05/06.**

/TRUE COPY/

Kss

K.M.JOSEPH, J.

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WP.(C) Nos.14683/2006 & 1088/2007

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Dated this the 30th day of January, 2007

JUDGMENT

Questions are connected and the writ petitions are being disposed of by a common judgment.

2. Petitioner in W.P.(C)1088 of 2007 claims that he was appointed as Principal of the School in question on 1.5.2002. The prayers in the writ petition are to direct the second respondent to approve the appointment of the petitioner as Principal under the third respondent and to direct the third respondent to retain the petitioner as Principal.

3. Petitioner in W.P.(C) 14683 of 2006 is working as Higher Secondary School Teacher in the very same school. The prayers therein are to direct the second respondent to promote the petitioner therein as Principal, to direct the first respondent to consider and pass orders on Ext.P5 and to direct the second respondent to consider and pass orders on Ext.P4.

4. In W.P.(C) 14683 of 2006 counter affidavit is filed. There is a reference to the appointment of the petitioner in W.P.(C) 1088 of 2007 and proposal for approval in the said regard. It is stated further that approval of the appointment of the petitioner in W.P.(C) 1088 of 2007 is pending consideration. There is also reference to the complaint filed by the petitioner in W.P.(C)14683 of 2006.

In such circumstances, having heard counsel for the parties, the writ petitions are disposed of directing the first respondent in W.P.(C) 14683 of 2006, who is the second respondent in W.P.(C) 1088 of 2007, to consider and take a decision on the question of approval of the petitioner in W.P.(C) 1088 of 2007 in accordance with law. Needless to say in taking the decision the respondent will bear in mind the decision of the Full Bench reported in **A.H.S.S.T. Association v. State of Kerala** (2005(1) K.L.T. 94) besides of course the statutory rules. A decision will be taken after hearing the petitioners in the case, the Manager and any other affected party within a period of six weeks

from the date of receipt of a copy of this judgment. Till such time as a decision is taken the petitioner in W.P.(C) 1088 of 2007 can continue as Principal.

(K.M. JOSEPH, JUDGE)

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K.M.JOSEPH, JJ.

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W.A. No. OF

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JUDGMENT

Dated this the day of February, 2006.